

## **REMARKS**

Upon entry of this Amendment, claims 1, 4, 9, 11-14, 17 and 20-37 will be pending in this application. Claims 2, 3 5-8, 10, 15, 16 and 18 have been canceled without prejudice or disclaimer.

In Office Action No. 1, claims 3, 10-12, 14, 19-22, 28, 31, 36 and 37 were merely objected to as being dependent upon a rejected base claim, but were otherwise allowable if rewritten in independent form, to include the limitations of the base claim and any intervening claims. In this Amendment and Response, Applicants elect to take early issuance of these allowed claims. To effect that election, Applicants here cancel certain of these claims (listed above) without prejudice or waiver.<sup>1</sup> Please note that these claims are being canceled not based on any concession to the rejections, but solely to facilitate early issuance of the allowed claims. Applicant reserves the right to reintroduce these canceled claims in a continuation patent application. Thus, the cancellations have not been made for any substantial reason related to patentability, and no estoppel applies.

In conclusion, Applicants respectfully submit that claims 1, 4, 9, 11-14, 17 and 20-37 as pending upon entry of this Amendment are in condition for allowance. In view of the foregoing, reconsideration of the application is requested.



Applicant has included a check to cover the petition fee for a three-month extension of time. If there are any additional or other fees due in connection with this Response or in connection with the prosecution of this application, please charge the fees to Deposit Account No. 501324.

Dated: June 15, 2005

Respectfully submitted,

Stephen T. Sullivan  
Reg. No. 32,444

#### CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV450226833 US

Date of Deposit: June 15, 2005

I hereby certify that this Petition for Extension of Time, Fee Transmittal for FY 2005 (2 copies) and check are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Stephen T. Sullivan

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1 Several of the claims that were rejected in Office Action No. 1 have been retained in their original form, or with amendment to the claim from which they depend. These claims are allowable, for example, based on their dependence from an allowed base claim.